

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVES PRODUCTS : MDL DOCKET NO. 1148
LIABILITY LITIGATION : :
 : ALL CASES

CASE MANAGEMENT ORDER NO. 40

AND NOW, this 11th day of September, 1998, upon Rule 16 Conference held September 9, 1998, the following is ordered:

1. Baxter and Allegiance motions to dismiss for lack of personal jurisdiction:

By November 9, 1998 discovery will be completed. Counsel will utilize a stream-lined approach.

2. Waiver of service by off-shore defendants:

By September 14, 1998 the parties shall submit a joint proposed case management order on these issues.

3. Poggi v. Baxter Healthcare Corp. - C.A. 98-2438:

Defendants' motions to dismiss for lack of jurisdiction will be granted.

4. Steiner and related cases:

Defendants' motions to dismiss for improper venue will be dismissed without prejudice. By September 18, 1998 a proposal for expedited discovery will be submitted not to extend beyond March 1, 1999.

5. Clark v. Safeskin Corp. - C.A. 97-2293:

Plaintiff's motion for leave to amend the complaint will be granted as to adding of certain defendants. As to the motion to

add the claim for civil conspiracy, defendants shall have until September 23, 1998 to respond, and plaintiff shall have seven days to reply.

6. Defendants' merits discovery requests:

By September 25, 1998 parties will complete efforts to resolve discovery disputes before the Special Master.

7. State/federal coordination:

By September 30, 1998 the parties will submit a plan to coordinate multidistrict litigation with state cases, which shall include a specific time-line as to discovery and trial readiness.

8. Merlonghi v. Baxter Healthcare Corp., C.A. 98-3726 and Dela Cruz v. Baxter Healthcare Corp., C.A. 98-3978:

By September 30, 1998 the parties will submit a progress report on the resolution of outstanding motions.

9. Procedure for discovery after bright-line dismissal:

By September 14, 1998 the parties will submit proposed CMO Nos. 17(C) and 28(C) providing for service by plaintiffs of interrogatories on any defendant remaining after bright-line dismissals.

10. Next Rule 16 Conference:

Wednesday, October 14, 1998 in Courtroom 12A, at 5:00 p.m.

Edmund V. Ludwig, J.